

DEC. 14. 2006 12:44PM

POWELL, GOLDSTEIN (DTI-17)

NO. 619 P 1  
**IAP13 Rec'd PCT/PTO 14 DEC 2006**

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GOLDSTEIN LLP**

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**FACSIMILE TRANSMISSION COVER SHEET**

Date: December 14, 2006

To: **MAIL STOP MISSING PARTS**  
**Commissioner for Patents**

Fax # **571-273-8300**

From: **LuAnn K. Miller**

Recipient's Direct Dial #

Sender's Direct Fax # **404-572-6999**

Sender's e-mail address: [lmiller@pogolaw.com](mailto:lmiller@pogolaw.com)

Sender's Direct Dial # **404-572-6624**

Our File # **149300.00000**

Attorney # **3456**

Appl. # **10/574,249**

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**Total Pages (Including This Page): 11 pages**

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**COMMENTS:**

**Attached herewith are the following documents:**

- 1) Form PTO/SB/21 Transmittal Form (1 page)**
- 2) Response to Notification of Missing Requirements (2 page including duplicate)**
- 3) Copy of Notification of Missing Requirements (2 pages)**
- 4) Form PTO/SB/17 Fee Transmittal (2 pages including duplicate)**
- 4) Declaration (2 pages)**
- 5) Power of Attorney (1 page)**

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NO. 619

P. 2

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PTO/SB/21 (09-04)

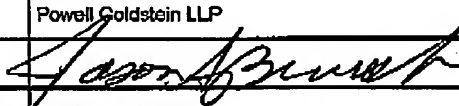
Approved for use through 07/31/2006. OMB 0651-0031  
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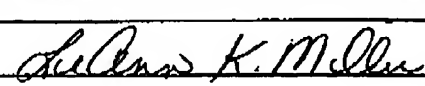
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/574,249	
	Filing Date	March 30, 2006	
	First Named Inventor	Iyad Al Khalib	
	Art Unit	TBA	
	Examiner Name	TBA	
Total Number of Pages in This Submission	10	Attorney Docket Number	149300.00000

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (2 pp.) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ (2 pp.) Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input checked="" type="checkbox"/> Change of Correspondence Address (1 p.) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notification of Missing Requirements (2 pp.) Signed Declaration (2 pp.)
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Powell Goldstein LLP		
Signature			
Printed name	Jason A. Bernstein		
Date	12-14-06	Reg. No.	31,236

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	LuAnn K. Miller	Date	12-14-2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DEC. 14. 2006 12:45PM

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NO. 619 P. 3

DEC 14 2006

PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Iyad Al Khatib

Appln. No.: 10/574,249

Filed: March 30, 2006

Title: METHOD AND SYSTEM FOR  
QUANTIFYING THE PERFORMANCE  
OF NETWORK COMPONENT

Confirmation No.: 5502

Group Art Unit: TBA

Examiner: TBA

Atty. Docket No. 149300.00000

Customer ID 25207

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

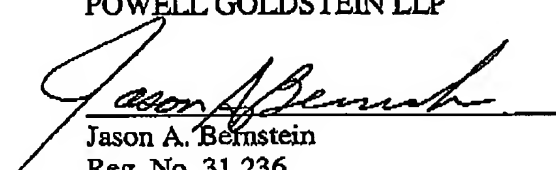
Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed December 7, 2006, Applicant submits the following:

1. Copy of the Notification of Missing Requirements;
2. PTO/SB/17 Fee Transmittal in duplicate authorizing the following charge:
  - a. Surcharge of \$65;
3. Signed Declaration; and
4. Power of Attorney; and

The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-1429. A duplicate of this sheet is attached.

Respectfully submitted,  
POWELL GOLDSTEIN LLP

  
Jason A. Bernstein  
Reg. No. 31,236

12/19/2006 ATRAN1 00000015 501429 10574249

01 FC:2617 65.00 DA

One Atlantic Center, Fourteenth Floor  
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1110384



## UNITED STATES PATENT AND TRADEMARK OFFICE

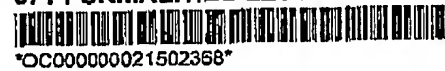
UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22312-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/574,249	Iyad Al Khatib	149300.00000

25207  
 POWELL GOLDSTEIN LLP  
 ONE ATLANTIC CENTER  
 FOURTEENTH FLOOR 1201 WEST PEACHTREE STREET NW  
 ATLANTA, GA 30309-3488

INTERNATIONAL APPLICATION NO.	
PCT/SE04/01397	
I.A. FILING DATE	PRIORITY DATE
09/30/2004	10/02/2003

CONFIRMATION NO. 5502  
 371 FORMALITIES LETTER



Date Mailed: 12/07/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/30/2006
- Copy of the International Search Report filed on 03/30/2006
- Preliminary Amendments filed on 03/30/2006
- Information Disclosure Statements filed on 03/30/2006
- Oath or Declaration filed on 03/30/2006
- U.S. Basic National Fees filed on 03/30/2006
- Substitute Specification filed on 03/30/2006
- Priority Documents filed on 03/30/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

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 1273 DO KMS

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Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,249	PCT/SE04/01397	149300.00000

FORM PCT/DO/EO/905 (371 Formalities Notice)

DEC 14 2006

PTO/SB/17 (01-06)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4616).

**FEE TRANSMITTAL**  
**For FY 2006**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 65.00

**Complete if Known**

Application Number	10/574,249
Filing Date	March 30, 2006
First Named Inventor	Iyad Al Khalib
Examiner Name	TBA
Art Unit	TBA
Attorney Docket No.	149300.00000

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-1429 Deposit Account Name: Powell Goldstein LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_ - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_ - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
____ - 100 = _____	____ / 50 = _____	_____ (round up to a whole number) x _____	_____	_____


**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Late Filing Surcharge

65.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	31,236	Telephone	404-672-6900
Name (Print/Type)	Jason A. Bernstein	Date	12-14-06		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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